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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,847	01/30/2004	Peter Williamson	003797.00737	4097
27195 7590 12/02/2008 AMIN, TUROCY & CALVIN, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114				
EXAMINER VAUGHN, GREGORY J				
ART UNIT 2178		PAPER NUMBER		
NOTIFICATION DATE 12/02/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/767,847	Applicant(s) WILLIAMSON ET AL.
Examiner GREGORY J. VAUGHN	Art Unit 2178

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 November 0208 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178

/Gregory J. Vaughn/
Examiner, Art Unit 2178

Continuation of 11, does NOT place the application in condition for allowance because: The cited prior art of record renders the claimed invention unpatentable. Applicant argues that the combined references of Hawkins in view of Forcier do not teach all of the aspects of the claimed invention (page 2, third paragraph, of the response filed 11/7/2008). Applicant is directed to the rejection of independent claims 1 and 27 as recited in the office action dated 9/8/2008.

Specifically, applicant argues that the references fail to teach or suggest "receiving user input identifying a symbol as a shorthand entry for a text expansion, a program and a function that takes" an input and produces an output based at least on the input; ... depending upon the outcome of the choosing step carrying out one or more of tasks selected from a group comprising: displaying the text expansion or launching the program or producing the output of the function with the symbol as the input" or the similar limitations of claim 27.

As noted in the office action dated 9/8/2008, and conceded too by applicant in the response dated 11/7/2008, Hawkins teaches "receiving a user input that identifies a shorthand entry, a text expansion OR a function", but Hawkins fails to teach "receiving a user input that identifies a shorthand entry, a text expansion AND a function" (emphasis added). However, using a single input to have different meaning based upon the context of the input is well known (sometimes referred to as "function overloading"). Forcier teaches function overloading (as noted in the office action dated 9/8/2008 – see Forcier, column 4, lines 61-67).

Applicant argues that the input of Forcier is a two-part gesture and that "Forcier requires specific gesture from the user in order for the system to distinguish between a control stroke and a drawing/handwritten input. Thus, rather than recognizing a function associated with a handwritten input based on context, Forcier teaches a preferred gesture set wherein each gesture is associated with specific control/edit functions" (page 3, last paragraph, of the response dated 11/7/2008). However the examiner would point out that the "context" of a user input could be a previous input, for instance, a control gesture, as taught by Forcier.

Applicant further argues that "contrary to the assertion in the Office Action that Forcier discloses a first and second handwritten input, Forcier discloses a first handwritten input followed by a gesture that is not a handwritten input as it specifically teaches that the second gesture should not be interpreted as a text/drawing stroke" (page 5, first paragraph, of the response filed 11/7/2008). The examiner would point out that the invention described by Forcier is a pen-based processing system (see abstract), and therefore all input by a user is going to be made with the pen and is therefore handwritten input. The examiner considers a gesture made by hand with the pen as "handwritten user input".